

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division**

PLAINTIFF'S MOTION FOR JUDGMENT

NOW COME the Plaintiff, J & J SPORTS PRODUCTIONS, INC., and respectfully requests that this Court enter an Order for Default Judgment against Defendants, JAMES P. GOCHIS, PETER GOCHIS and WILLIAM APOSTOL, indv. and d/b/a P.B.J. CLUB, INC. d/b/a CLUB 38 and P.B.J. CLUB, INC. d/b/a CLUB 38, and in support thereof, states as follows:

1. On December 5, 2014, the Complaint in this matter was filed in the United States District Court, Northern District of Illinois.

2. Defendants, JAMES P. GOCHIS, PETER GOCHIS and WILLIAM APOSTOL, indv. and d/b/a P.B.J. CLUB, INC. d/b/a CLUB 38 and P.B.J. CLUB, INC. d/b/a CLUB 38, filed an appearance on January 14, 2015.. See Dkt. 5.

3. The parties settled the matter (see Release attached hereto as Exhibit A), and the parties filed a stipulation to dismiss on July 6, 2015. See Dkt. 18.

4. On July 7, 2015, the Court entered an order dismissing the case without prejudice with leave to reinstate on or before May 31, 2016, and to convert to a dismissal with prejudice on June 1, 2016.

5. Pursuant to the Release, Defendants agreed to a monthly payment plan, and

Defendants also agreed to a consent judgment in the amount of Twenty Five Thousand and 00/100 (\$25,000.00) Dollars, and to pay all reasonable attorney's fees and court costs if Defendants defaulted on the Release.

6. Defendants made the first two payments pursuant to the Release, and then Defendants sent payment to Plaintiff's attorney in California.

7. Plaintiff's Counsel requested that all payments be forwarded to local counsel pursuant to the Release. See email chain attached hereto as Exhibit B.

8. Defendants sent another check to Plaintiff's California counsel that was forwarded to Plaintiff's local counsel, and when local counsel attempted to deposit the check, the check was returned by maker and did not go through. Exhibit B.

9. Plaintiff's local counsel requested that Defendants issue another check for the payment, which was never issued. Exhibit B.

10. On December 28, 2015, Plaintiff's attorney spoke to Defendants' attorney Jordan N. Uditsky, and requested an update on the settlement payments. Exhibit B.

11. On January 21, 2016, Plaintiff's counsel requested another update regarding payment, and on January 28, 2016, Mr. Uditsky was unable to provide an update regarding settlement payment.

12. As of the filing of this motion, Defendants are currently in default, and have failed to make any payments due after September 2015 pursuant to the Release.

13. Plaintiff has received a total of \$1,500 pursuant to the Release.

14. As a result of Defendants default under the Release, Plaintiff is entitled to a consent judgment of \$25,000.00 and all reasonable attorneys' fees as a result of Defendants default; with a credit for Defendants' payments, Plaintiff is entitled to a consent judgment of \$23,500.00.

15. Plaintiff is also entitled to One Thousand Three Hundred Twenty and 00/100

(\$1,320.00) Dollars for attorney's fees and costs. See Fee Affidavit attached hereto as Exhibit C.

WHEREFORE, Plaintiff, J & J SPORTS PRODUCTIONS, INC., prays this Honorable Court enter an order to reinstate this case against Defendants, JAMES P. GOCHIS, PETER GOCHIS and WILLIAM APOSTOL, indv. and d/b/a P.B.J. CLUB, INC. d/b/a CLUB 38 and P.B.J. CLUB, INC. d/b/a CLUB 38, and enter an Order for Judgment in the amount of Twenty Three Thousand Five Hundred and 00/100 (\$23,500.00) Dollars plus attorney's fees in the amount of One Thousand Three Hundred Twenty and 00/100 (\$1,320), for a total Judgment in the amount of Twenty Four Thousand Eight Hundred Twenty and 00/100 (\$24,820.00) Dollars, and for any additional relief for Plaintiff this Honorable Court deems just.

Respectfully submitted,

J & J SPORTS PRODUCTIONS, INC.

s/Andre Ordeanu
Andre Ordeanu

ZANE D. SMITH & ASSOCIATES, LTD.
415 North LaSalle Street - Suite 501
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CERTIFICATE OF SERVICE

I, Andre Ordeanu, on oath state that a true and correct copy of the Notice of Filing was electronically filed with the Clerk of the Court on March 1, 2016, using the CM/ECF system which will send notification of such filing(s) to all attorneys of record. Under the penalties of perjury, I certify that the above statements set forth herein are true and correct.

s/ Andre Ordeanu
Andre Ordeanu

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